

HOUSE BILL NO. 551

INTRODUCED BY D. GETZ

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE STATE OF MONTANA OR THE DEPARTMENT OF LIVESTOCK FROM MANDATING COMPLIANCE WITH AN ANIMAL SOURCE VERIFICATION PROGRAM; PROHIBITING A PERSON FROM CONDITIONING OR DENYING A SERVICE, BENEFIT, OR OTHER INCENTIVE ON PARTICIPATION IN A SOURCE VERIFICATION PROGRAM; ALLOWING THE DEPARTMENT TO ESTABLISH AND MAINTAIN A VOLUNTARY STATE SOURCE VERIFICATION PROGRAM; LIMITING ACCESS TO A STATE SOURCE VERIFICATION PROGRAM TO THE STATE VETERINARIAN OR THE VETERINARIAN'S STAFF; DECLARING THAT PREVIOUS AGREEMENTS RELATED TO SOURCE VERIFICATION PROGRAMS ARE UNENFORCEABLE AND MAY NOT BE REENTERED OR RENEWED; AND AMENDING SECTION 81-2-104, MCA."

WHEREAS, the state of Montana and the department of livestock have participated in establishing animal identification lists or databases using emerging technologies; and

WHEREAS, existing means for identifying and tracking animals have been sufficient to trace outbreaks of animal diseases, and there is no scientific evidence that mass, uniform electronic tagging and tracking of animals will improve the nation's or Montana's ability to prevent, control, or respond to an outbreak of animal disease, whether natural or intentionally introduced; and

WHEREAS, fostering livestock ownership, farming, and ranching is in the best interests of this state and its citizens, and the establishment of a national identification system using emerging technologies is detrimental to individual ownership and raising of livestock.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. Unless the context requires otherwise, in [sections 1 through 4], the following definitions apply:

(1) "Emerging technologies" include but are not limited to biotechnology, electronic identification or tagging, radio frequency identification devices or tattoos, cloning, and biometrics.

(2) (a) "Livestock" means equines, cattle, sheep, goats, swine, llamas, alpacas, poultry, and any other

1 animal the U.S. government may have included in the national animal identification system.

2 (b) The term does not include undomesticated animals living in the wild.

3 (3) "Person" means an individual, corporation, partnership, association, or other legal entity and agents
4 of that entity, including the state of Montana or a local government.

5 (4) "Premises" means a location where livestock are raised, held, or boarded.

6 (5) "Source verification program" means the national animal identification system (NAIS) or any other
7 program that tracks individual animals or groups of animals in order to determine the origin of the animal or group,
8 the identity of all other animals that have been in contact with it, and the location of all premises at which it has
9 been held in its lifetime.

10
11 **NEW SECTION. Section 2. Prohibition from mandating compliance with source verification**
12 **programs.** (1) The department or another state agency may not mandate use of a source verification program
13 as a part of any government program, including disease control.

14 (2) The department or another state agency may not require compliance with a source verification
15 program for participation in any state program, including marketing programs in Title 81, chapter 8.

16 (3) The prohibitions in this section also apply to the components and resulting databases of a source
17 verification program, including premises registration, animal identification, and animal movement tracing.

18 (4) A person may not condition, deny, revoke, or limit a service, favor, credit, insurance or risk coverage,
19 certificate, grant, benefit, license, payment, permit, or other incentive based on participation in a source
20 verification program.

21 (5) This section may not be construed to prohibit the state from establishing or operating livestock
22 identification, brand registration, and inspection programs as may be otherwise required in Title 81, chapters 2
23 and 3.

24
25 **NEW SECTION. Section 3. Voluntary state source verification program -- requirements for**
26 **enrollment -- access to information.** (1) The department may establish a state source verification program if
27 the program is voluntary.

28 (2) A person may withdraw from a source verification program at any time and the person's personal
29 information must be deleted from the database.

30 (3) Only the state veterinarian appointed pursuant to 81-1-301 and the veterinarian's staff may access

1 information stored in the source verification program.

2 (4) The department shall register a person's livestock in a source verification program only after the
3 person applies for the program by submitting a signed application form, as prescribed by the department. An
4 application form must include the following information:

5 (a) a conspicuous notice the program is voluntary;

6 (b) a disclosure of the types of information collected under the program;

7 (c) notice of the persons to which the information collected under the program may be disclosed; and

8 (d) notice that the person enrolling an animal, livestock, or premises in the program may withdraw from
9 the program at any time and personal information must be deleted from the database.

10
11 **NEW SECTION. Section 4. Previous agreements related to source verification programs**
12 **unenforceable.** All cooperative agreements between the federal government and Montana, or between this state
13 and other states, established before [the effective date of this act] and related to source verification programs,
14 premises registration, animal identification, or other matters related to the use of emerging technologies to create
15 national animal identification lists or databases are unenforceable and may not be reentered or renewed.

16
17 **Section 5.** Section 81-2-104, MCA, is amended to read:

18 **"81-2-104. Rules -- agreement with federal government.** ~~When~~ Except as provided in [sections 1
19 through 4], when the department determines that it is necessary to eradicate or control an infectious, contagious,
20 communicable, or dangerous disease of livestock in this state, in cooperation with the United States department
21 of agriculture or other federal agency, and to appraise and destroy animals affected with or which have been
22 exposed to a disease or to destroy property in order to remove the infection and complete the cleaning and
23 disinfection of the premises or to do any act or incur any other expense reasonably necessary in suppressing this
24 disease, the board may accept and adopt on behalf of the state the rules adopted by the United States
25 department of agriculture or other federal agency under authority of an act of congress or the portion considered
26 necessary, suitable, or applicable. The department may adopt other rules necessary or desirable for this purpose
27 and cooperate with the United States department of agriculture or other federal agency in the enforcement of the
28 rules accepted and adopted."

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30 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be codified

1 as an integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [sections
2 1 through 4].

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